

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID J. HERNANDEZ,

Defendant.

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8:09CR27

ORDER

This matter is before the court on defendant's motion to continue trial (Doc. 69). The defendant has not filed an affidavit or declaration regarding speedy trial, as required by NECrImR 12.1 and/or 12.3. The court finds that the defendant has not explained why plea negotiations cannot be timely completed and has not shown good cause for a continuance of the trial date.

IT IS ORDERED that defendant's Motion to Continue Trial (Doc. 69) is denied. The trial of this matter remains scheduled for May 5, 2009.

Pursuant to [NECrImR 57.2](#), a party may appeal this order by filing an "Appeal of Magistrate Judge's Order" no later than **April 27, 2009**.

DATED April 23, 2009.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**